

**THE ENVIRONMENTAL IMPACT ASSESSMENT
(FORESTRY)(SCOTLAND) REGULATIONS 1999 ("the Regulations")**

**DETERMINATION OF AN APPLICATION UNDER REGULATION 4 OF THE
REGULATIONS FOR CONSENT TO CARRY OUT A RELEVANT PROJECT**

Applicant: RSPB

Applicant's Agent:

Location: Abernethy National Nature Reserve

**Brief Particulars of
Relevant Project:**

To expand native woodland through natural regeneration scattered over an area extending up to 3500 hectares and planting on an area extending up to 353 hectares at Abernethy NNR.

Date of Application: 7 March 2011

**Application Reference
Number:**

030901250

The Forestry Commissioners, having taken into consideration the Environmental Statement submitted by the applicant and all other environmental information, all representations received by them in relation to the above application and all other material considerations, including in particular their assessment of the direct and indirect effects of the relevant project on the environmental factors specified in Schedule 4 to the Regulations **HEREBY CONSENT** to the carrying out of the above relevant project within the boundary outlined in the application.

This consent is subject to the conditions listed in Schedule 1 hereto.

The reasons and considerations on which this decision is based are given in Schedule 2 hereto. For the avoidance of doubt, nothing contained in Schedule 2 shall be deemed to qualify or amend the terms of the conditions in Schedule 1.


**John Risby
Conservator**

For and on behalf of the Forestry Commissioners

Date: 24th August 2011

IMPORTANT NOTICE TO APPLICANT

You have the right to appeal to the Scottish Ministers against any of the conditions attached to this consent. The appeal must be in writing and made to the Ministers within 28 days of the date you receive this consent unless the Ministers agree within that period of 28 days to extend the period within which the appeal may be lodged. Appeals must comply with regulation 17 of the Regulations, a copy of which is enclosed. Appeals (and application for extension of the period for lodging an appeal) should be addressed to:

*The Scottish Ministers
SGRPID
Pentland House
EDINBURGH
EH14 1TY*

Schedule 1
Annexed to consent to relevant project number 030901250

1. Work in relation to the project shall be commenced within 5 years of the date of this consent.
2. No work shall be carried out in relation to this project after the expiry of 10 years from the date of this consent.

Schedule 2

Annexed to consent to relevant project number 030901250

Reasons and considerations

Background

RSPB submitted proposals to Forestry Commission Scotland on 22nd March 2006. The application was to accelerate forest expansion by continued deer control over the 3500 hectares with potential for regeneration and by planting 130 – 150 ha of a Native Pinewood mix in patches across c 400 ha of upland heath and mire between the current forest edge and the natural tree line.

The Forestry Commission requested that an Environmental Impact Assessment be carried out under the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999. The main issues identified for consideration were impact on qualifying habitats and species; and landscape.

Project description

The proposed woodland expansion lies within the Cairngorms National Park, partly within the Cairngorm Mountains National Scenic Area, the Cairngorms SAC, the Abernethy Forest SPA and SSSI and the Abernethy NNR.

The main work proposed for this site is to establish native woodland by planting and regeneration. This is part of a long-term vision to expand native tree and shrub cover up to the natural tree limit at Abernethy. To work towards this long term objective the project proposes 4 key management components over the next 10 years:-

1. Ongoing grazing (deer) control to enable survival of young trees (over approximately 3500 ha).
2. Burning and cutting of dry heath to create seed beds for natural regeneration of pine and birch. This will take place in small patches totalling no more than 300ha, spread across an area of c 1226 ha.
3. Sowing of appropriate seed of local provenance.
4. Enrichment planting of native broadleaves over 29.5 ha, scattered low density planting over a wider 107.4 ha, and pioneer low density planting to establish a full pinewood mix over 216ha beyond the current forest edge.

Depending on individual site conditions the new planting will comprise a wide mix of species including birch, alder, rowan, hazel, aspen, holly, bird cherry, willow and juniper. Pioneer planting will include Scots pine (Abernethy stock).

This project is assessed against the statutory framework.

Consultation

The Environmental Statement (detailing 653 ha of woodland establishment through natural regeneration and planting) was placed on the Forestry Commission's Public register on 23rd March 2011, for 28 days and copies were made available, along with the Environmental Statement, at the Nethybridge Post Office and the Highland & Islands Conservancy Office.

Responses were received from: Scottish Natural Heritage (SNH), Highland Council Archaeologist (HCA), Cairngorms National Park Authority (CNPA) and the Scottish Environment Protection Agency (SEPA).

SNH raised the potential impact of the proposals on wet heath, blanket bog and also on dry heath, in particular the potential loss of 40ha of *Calluna vulgaris-arctostaphylos uva-ursi*. They also had comments on the management of deer.

The Archaeologist was content that the survey work carried out for the ES had identified the specific issues requiring mitigation.

SEPA had a number of observations and recommendations. They highlighted the lack of reference to the River Basin Management Plan (RBMP) and said it is crucial that actions proposed are aligned with RPMPs and supporting Area Management Plans (AMP) if water bodies are to be protected, improved and "good" ecological status achieved and maintained. They would also welcome the chance to discuss potential improvement to the passability of the River Nethy and other measures that would help to improve the status of water bodies within or adjacent to the expansion area. They also request that no mechanical planting takes place within the wetland community areas M15 & M16 and that the planting contractor is made aware of the locations.

Several members of the public responded, all supporting the project.

The result of the consultation is that the concerns expressed by SNH and SEPA have been addressed. The Environmental Statement has been amended. Specifically an H16 *Calluna vulgaris* – *Arctostaphylos viva-ursi* management plan has been prepared and accepted by SNH to protect this rare habitat over some 5.3 ha which lies within the woodland expansion zone. Work has already been completed to remove fish barriers from the Duach Burn and all works will comply with the Forest and Water Guidelines. There will be no mechanical ground preparation.

Decision

Having regard to all the information and advice hereto the Forestry Commissioners have reached the decision that consent can be given for the planting and scattered regeneration of native woodland within the identified zones on up to 3853 hectares.